



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN HENRY PAGE,

Plaintiff,

v.

JOHN SCOTT, *et al.*

Defendants.

3:07-CV-287-BES-VPC

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge (#66) ("Recommendation") entered on February 17, 2009, in which the Magistrate Judge recommends that this Court enter an order granting defendants' Motion for Summary Judgment (#45). Plaintiff filed Plaintiff's Reply to Report and Recommendation of U.S. Magistrate Judge (#68) on February 27, 2009. The Court will construe plaintiff's reply as an objection to the Report and Recommendation (#66). Defendants did not file a response to the Objection to the Recommendation (#68).

I. ANALYSIS

A. Review of Magistrate Judge's Order

Any party may object to a magistrate judge's case dispositive proposed order, findings, or recommendations. 28 U.S.C. § 636(b)(1)(B); Fed.R.Civ.P. 72(b); LR 74.2. The district court must make a *de novo* determination of those portions of the magistrate judge's report to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. *Id.* De novo review means the court must

1 consider the matter anew, the same as if it had not been heard before and as if no decision
2 previously had been rendered. Ness v. Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992).
3 Thus, although the district court need not hold a de novo hearing, the court's obligation is to
4 arrive at its own independent conclusion about those portions of the magistrate judge's
5 findings or recommendation to which objections are made. United States v. Remsing, 874
6 F.2d 614, 617 (9th Cir. 1989).

7 After conducting a *de novo* review of the record, the Court accepts and adopts the
8 Magistrate Judge's recommendation (#66).

9 **III. CONCLUSION**

10 IT IS HEREBY ORDERED that defendants' Motion for Summary Judgment (#45) is
11 GRANTED. The Clerk of the Court shall enter judgment accordingly.

12 IT IS SO ORDERED.

13 DATED: This 9th day of March, 2009.

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19 UNITED STATES DISTRICT JUDGE
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